

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

JEREMY REYNA,

)

Plaintiff,

)

v.

)

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

)

Defendant.

)

Civil Action No. 5:14-CV-147-C

**ORDER**

Plaintiff appealed an adverse decision of Defendant, Carolyn Colvin, Acting Commissioner of Social Security, pursuant to 42 U.S.C. § 405(g). The United States Magistrate Judge entered a Report and Recommendation on March 12, 2015. Defendant filed Objections to the Report and Recommendation on March 20, 2015. Plaintiff filed no objections but did file a Response to Defendant's Objections on March 30, 2015.

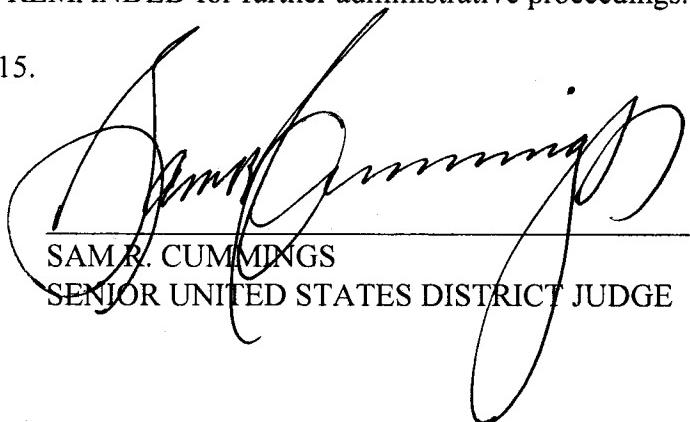
After reviewing the Report and Recommendation, as well as the arguments of the parties in their respective briefing, the Court is of the opinion that the ALJ's determination as to § 12.04C is lacking in explanation. More specifically, although the ALJ made specific findings as to the § 12.04A and § 12.04B criteria, the ALJ's findings as to § 12.04C are conclusory and do not allow an adequate review.<sup>1</sup>

---

<sup>1</sup>Although the Defendant's contentions center on whether three episodes occurred within a one-year period, as argued in Plaintiff's Response to Defendant's Objections, it is unclear whether the ALJ considered the remainder of 20 C.F.R. Pt. 404, Subpt. P, App. 1, § 12.00C(4), which goes on to state: "If you have experienced more frequent episodes of shorter duration or less frequent episodes of longer duration, we must use judgment to determine if the duration and

It is, therefore, ORDERED that the findings and conclusions in the Report and Recommendation are hereby ADOPTED by the Court. The Commissioner's decision is REVERSED and Plaintiff's Complaint is REMANDED for further administrative proceedings.

Dated this 1<sup>st</sup> day of April, 2015.



SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE

---

functional effects of the episodes are of equal severity and may be used to substitute for the listed finding in a determination of equivalence."